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Doran R. Pace, Patent Attorney

ELECTION UNDER 35 USC §121  
Examining Group 1632  
Patent Application  
Docket No. USF2007CXZ1  
Serial No. 10/567,298

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Wu Cheng W. Shen, Ph.D.  
Art Unit : 1632  
Applicants : M. Ian Phillips, Yao Liang Tang  
Serial No. : 10/567,298  
Filed : February 6, 2006  
Confirm. No. : 6761  
For : Vigilant Cells

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121

Sir:

In response to the written Restriction Requirement dated October 14, 2008 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 1-20), without traverse. Applicants further elect heme oxygenase-1 (HO-1) as the single therapeutic product from claim 7, mesenchymal stem cell (MSC) as the single cell from claim 13, cardiac cell as the single cell from claim 14, and hypoxia as the single physiological stimulus from claim 19. Applicants note that the elected species for claims 14 and 19 have been added to the claims by the Preliminary Amendment that accompanies this Election.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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DRP/mv  
Attachment: Preliminary Amendment